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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,920	07/27/2004	Hiroyuki Yamazaki	040364	6101

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EXAMINER

MULLIS, JEFFREY C

ART UNIT PAPER NUMBER

1711

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/501,920

Applicant(s)

YAMAZAKI ET AL.

Examiner

Jeffrey C. Mullis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 704,9004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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The only international search report received by the Office is the Japanese language search report attached to applicants PCT priority document. No concise explanation of JP2002037823 has therefore been submitted and this reference has therefore not been considered, MPEP 609. If applicants have a translation of this document available they are requested to submit it.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

While the term "weight average molecular weight" is clear, applicants' claims in some instances recite the term "molecular weight" without qualification and it is not stated whether or not weight or number average molecular weight is intended and since these various expressions of molecular weight vary, it is not clear what applicant ranges of molecular weight embrace.

The term "melt-flow rate" is unclear where unqualified as to the conditions of measurement such as temperature and load as such parameters have a great effect on the measurement of MFR. Furthermore, MFR (as well as melt tension) are meaningless without recitation of the units intended.

Applicants independent claim recites "exp" raised to a non-unit less (ie has the units of molecular weight or grams per mole) quantity which is mathematically meaningless since exponents must be unitless and it is therefore unclear what is intended.

Applicants inequality "2" recites melt tension on one side and molecular weight on the other, quantities having different units and as such contradictory.

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The identity of "n" is not stated in at least claim 6.

Claim 7 recites "double bonds connected directly to an aromatic ring" and as the carbons in an aromatic ring necessarily already have a double bond in addition to the ring bond, this would require 5 bonds, an impossibility.

The term "aryl" as recite in at least claim 6 is not divalent as required by the structure in the claim. The examiner suggests "arylene" if this is what is intended.

The term "caring out" is not art recognized and is therefore unclear as is recited in claims 7 and 11.

The closest prior art is Demirors et al. (US 6,093,781). However, applicants' weight average molecular weights and other characteristics are not taught or suggested.

Kim et al. (US 6,593,429) is not prior art.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

**Jeffrey Mullis**  
**Primary Examiner**  
**Art Unit 1711**

Jeffrey C. Mullis  
J Mullis  
Art Unit 1711

JCM

4-17-05

